



City of Cartersville

PLANNING AND DEVELOPMENT

P.O. Box 1390 • 10 North Public Square • Cartersville, Georgia 30120
Telephone: 770-387-5600 • Fax: 770-387-5605 • www.cityofcartersville.org

MEMO

To: BZA
From: Randy Mannino/David Hardegree/Zack Arnold
CC: Keith Lovell
Date: March 27, 2023
Re: File # V23-05

Summary: To allow an accessory structure (prefabricated building) in the front yard of a corner lot. To allow accessory structure encroachment into side yard setback.

Section 1: Project Summary

Variance application by applicant Katherine Quick for property located at 215 Leake St. It is a corner lot at the intersection of Leake Street and Etowah Drive. Zoning is P-S, Professional Services. Setbacks are Front - 20ft and Side- 10ft. Said property contains approximately 0.33 acres.

The applicant proposes to install a prefabricated storage shed (accessory structure) along the front yard with Etowah Drive. The property has three (2) front yards. Accessory structures are to be located in the side and rear yards per Zoning Ordinance Sec. 4.9, *Accessory uses, buildings or structures*. The applicant is also requesting to allow the accessory structure to encroach into the side yard setback approximately 9'8". The side yard setback is 10ft per sec. 9.1, *P-S Professional services district*.

The HPC reviewed the shed and approved the shed with conditions at the March 21st meeting. COP23-06. One condition being that the BZA approve the variance requests for the shed. A storage shed previously existed in the same area of the yard, but was replaced by this proposed shed. No variance was requested for the previous shed, but HPC did review the previous shed and approved it on 8-18-09, COP09-09.

The variance request is for the following:

To allow an accessory structure (prefabricated building) in the front yard of a corner lot. (Sec. 4.9)

To allow accessory structure encroachment into side yard. (Sec.9.1)

Section 2. Department Comments

Building Department: No comments received.

Electric Department: Takes no exceptions.

Fibercom: Takes no exceptions.

Fire Department: CFD takes no exceptions to the variance request for the property located at 215 Leake St. to allow an accessory structure to encroach into the side yard setback. All applicable city adopted codes and ordinances shall be followed.

Gas Department: Takes no exceptions.

Public Works Department: Takes no exceptions.

Water Department: Takes no exceptions.

Section 3. Public Comments Received by Staff

None as of 4-3-23.

Section 4. Variance Justification:

Please review the following findings, as stated in the Zoning Ordinance, that are to be utilized in determining justification for approval or denial of variance request(s).

Sec. 4.9. Accessory uses, buildings or structures.

Accessory uses, buildings, or structures on residential lots shall be located within a rear yard only and be a minimum of five (5) feet from all property lines which do not abut a street right-of-way. A detached garage or carport may be allowed in a side yard of a residential lot and, if so placed, shall comply with the side yard setback requirements of the district. In the case of a residential corner lot, in which a lot abuts or adjoins the intersection of two (2) or more streets other than an alley, an accessory structure may be allowed in a side yard and, if so placed, shall comply with the side yard setback requirements of the district.

Accessory uses, buildings, or structures on nonresidential lots shall not be allowed in the front yard and must comply with side and rear yard requirements established for the zoning district in which such accessory buildings or uses are located. The following accessory uses, buildings, or structures on nonresidential lots may be allowed in a front yard of a nonresidential lot and, if so placed, shall comply with the front yard setback requirements of the district: ATMs (automated teller machines) and service stations.

All accessory uses, buildings, or structures in all zoning districts shall be subordinate to the principal structure. An accessory building's floor area shall be no larger than fifty (50) percent of the principal structure floor area. Accessory structures shall not exceed the height of the most prevalent roof top of the principal building on the property.

Outdoor play structures or play sets in commercial districts, commonly associated with fast-food eating establishments, shall be located in a side or rear yard only and shall comply with the required yard setbacks of the district.

All site plans for multifamily, commercial, and industrial buildings shall include a solid waste container pad that has easy and safe access for a front-end loader. Solid waste containers shall be screened from all streets and adjoining properties with a solid, opaque fence or wall which shall be a minimum of six (6) inches taller than the container.

An amenity, as defined by this chapter, shall not be considered an accessory structure.

Sec. 9.1. P-S Professional services district.

9.1.1. *P-S district scope and intent.* Regulations in this section are the P-S district regulations. The P-S district is intended to provide land areas for professional offices and related community oriented service activities as further described in section 3.1.14 of this chapter.

9.1.2. *Use regulations.* Within the P-S district, land and structures shall be used in accordance with standards herein. Any use not specifically designated as a permitted use in this section shall be prohibited.

A. *Permitted uses.* Structures and land may be used for only the following purposes:

- Accessory apartments (SU).*
- Amateur radio transmitter.
- Amenities (as defined by this chapter).
- Apartments and condominiums, above, below, or behind commercial and office uses in the same building (SU).*
- Bed and breakfast inn (SU)*.
- Clinics (excludes veterinary).
- Clubs or lodges (noncommercial) (SU)*.
- Colleges and universities.
- Construction contractors:
 - ▲ General building contractors (provided there is no exterior storage of equipment, materials, and construction vehicles).
 - ▲ Heavy equipment and contractors (provided there is no exterior storage of equipment, materials, and construction vehicles).
 - ▲ Special trade contractors; including, but not limited to, construction subcontractors, engineers, architects, and land surveyors (provided there is no exterior storage of equipment, materials, or construction vehicles).

- Day care facilities.
- Financial establishments.
- Hospices (SU).*
- Institutions of higher learning, business colleges, music conservatories, and similar institutions.
- Medical offices (excludes veterinary).
- Nursing home facilities (SU).*
- Offices, professional.
- Personal care homes (SU).*
- Public utility facilities.
- Religious institutions (SU).*
- Retirement centers (SU).*
- Schools, private (SU).*

* Special use approval required.

B. *Accessory uses.* Structures and land may be used for uses customarily incidental to any permitted use.

9.1.3. *Development standards.*

A. *Height regulations.* Buildings shall not exceed a height of forty-five (45) feet or three and one-half (3½) stories, whichever is higher.

B. *Front yard setback:* Twenty (20) feet.

C. *Side yard setback:* Ten (10) feet.

D. *Rear yard setback:* Twenty (20) feet.

E. *Minimum lot frontage:* One hundred ten (110) feet adjoining a street.

F. *Minimum lot width at building line:* One hundred (100) feet.

G. *Minimum heated floor area per unit.*

- *3-bedroom:* Nine hundred (900) square feet.
- *2-bedroom:* Seven hundred fifty (750) square feet.
- *1-bedroom:* Six hundred (600) square feet.
- *Studio/loft (in existing buildings):* Four hundred fifty (450) square feet.

H. *Minimum buffer requirements.* In addition to required setbacks, a minimum fifteen-foot wide buffer, five (5) feet of which can be within required setback, shall be required along all property lines which abut a residential district or use to provide a visual screen in accordance with section 4.17 of this chapter.

I. *Accessory structure requirements.* See section 4.9 of this chapter.

- J. *[Metal panels, metal sheathing, standard gray concrete block.]* The use of metal panels or metal sheathing and/or standard gray concrete block on the exterior walls of any building or structure shall be prohibited with the exception that such materials may be used if finished with a product consisting of brick, stone, or hard-coat stucco.
- K. *[Air conditioning units and HVAC systems.]* Air conditioning units and HVAC systems shall be thoroughly screened from view from the public right-of-way and from adjacent properties by using walls, fencing, roof elements, or landscaping on multifamily and nonresidential properties.
- L. *[Gable or hip roofs.]* Gable or hip roofs shall have a minimum roof pitch of 6/12. Both gable and hip roofs shall provide overhanging eaves on all sides that extend a minimum of one (1) foot beyond the building wall.
- M. *[Front building facade.]* The front building facade of all principal buildings shall be oriented toward street fronts or adjacent arterial street fronts.
- N. *Maximum commercial building floor area:* ten thousand (10,000) square feet.

9.1.4. *Other regulations.* The headings below contain additional, but not necessarily all, provisions applicable to the P-S district.

- City of Cartersville Landscaping Ordinance.
- City of Cartersville Sign Ordinance.

(Ord. No. 01-13, § 5, 1-3-13)

Sec. 21.3. - Powers and duties of the board of zoning appeals.

The board of zoning appeals shall have the following powers and duties:

- 21.3.1. *Appeals.* To hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by the zoning administrator in the enforcement of this chapter. Appeals to the board of appeals may be taken by any person aggrieved or by any officer, department, board, or agency of the City of Cartersville affected by any decision of the zoning administrator. Such appeal shall be taken within thirty (30) days of said decision by filing with the zoning administrator a written notice of appeal specifying the grounds thereof. Decisions on appeals shall be issued in writing within ten (10) business days of the hearing on the appeal.
- 21.3.2. *Continuance of a nonconforming use.* The board of zoning appeals may allow a nonconforming use to be reestablished after discontinuance for twelve (12) consecutive months. The procedure for the request shall be the same as if it was a variance. If it is deemed by the board of zoning appeals that one (1) or more of the following apply, the board may grant said request.
 - A. The design, construction, and character of the building is not suitable for uses permitted in the district in which the nonconforming use is situated; and

- B. Undue hardships to the property owner would result in not allowing the building to be reopened for a nonconforming use; and
 - C. Adjacent property would not be unduly damaged by such use of the building; and
 - D. The use is to be identical or similar to the prior nonconforming use of the building.
- 21.3.3. *Variances.* The board of appeals has the power to hear requests for variances from the provisions of this chapter. Variance may be granted only if the board finds all of the following to exist:
- A. That one (1) of the following is true, through no action or fault of the property owner or predecessor:
 - 1. The property is exceptionally narrow, shallow or unusually shaped;
 - 2. The property contains exceptional topographic conditions;
 - 3. The property contains other extraordinary or exceptional conditions; or
 - 4. There are existing other extraordinary or exceptional circumstances; and
 - B. That the strict application of the requirements of this chapter would result in practical difficulties to, or undue hardship upon, the owner of this property; and
 - C. That the requested variance relief may be granted without substantially impairing the intent and purpose of this chapter.

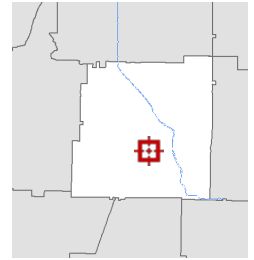
Variance decisions shall be issued in writing within ten (10) business days of the hearing.

- 21.3.4. *Conditions.* In granting a variance, the board of appeals may attach such conditions regarding the location, character and other features of the proposed building, structure, property, development standards or use as it may deem advisable so that the purpose of this chapter will be served, public safety and welfare secured and substantial justice done.
- 21.3.5. *Limitations on variances; improper variance requests.* Variances cannot be given to totally remove a requirement or to exempt a property or applicant entirely from a requirement. If a variance is being sought that is, in the judgment of the zoning administrator, a request that would constitute a text amendment, then the application shall not be accepted. The applicant shall instead be directed to file for a text amendment. Furthermore, the board of appeals shall not be authorized to grant a density variance or a use variance to permit a use in a district in which the use is prohibited. A variance application shall not be accepted if the variance seeks something that cannot be varied. A variance application shall not be accepted if the variance is contradictory to the ordinance.
- 21.3.6. *Self-inflicted hardship.* The board shall not grant variances when the hardship was created by the property owner or his predecessor, and shall not grant hardship variances based on shape or topography for lots of record not existing prior to November 7, 1996. Configuring a subdivision to create lots that are difficult to build is an example of a hardship created by the property owner or predecessor, that does not justify a variance.


Sections 21.3.7, *Place of worship*, and 21.3.8, *Group homes*, omitted. *Not applicable.*



Overview



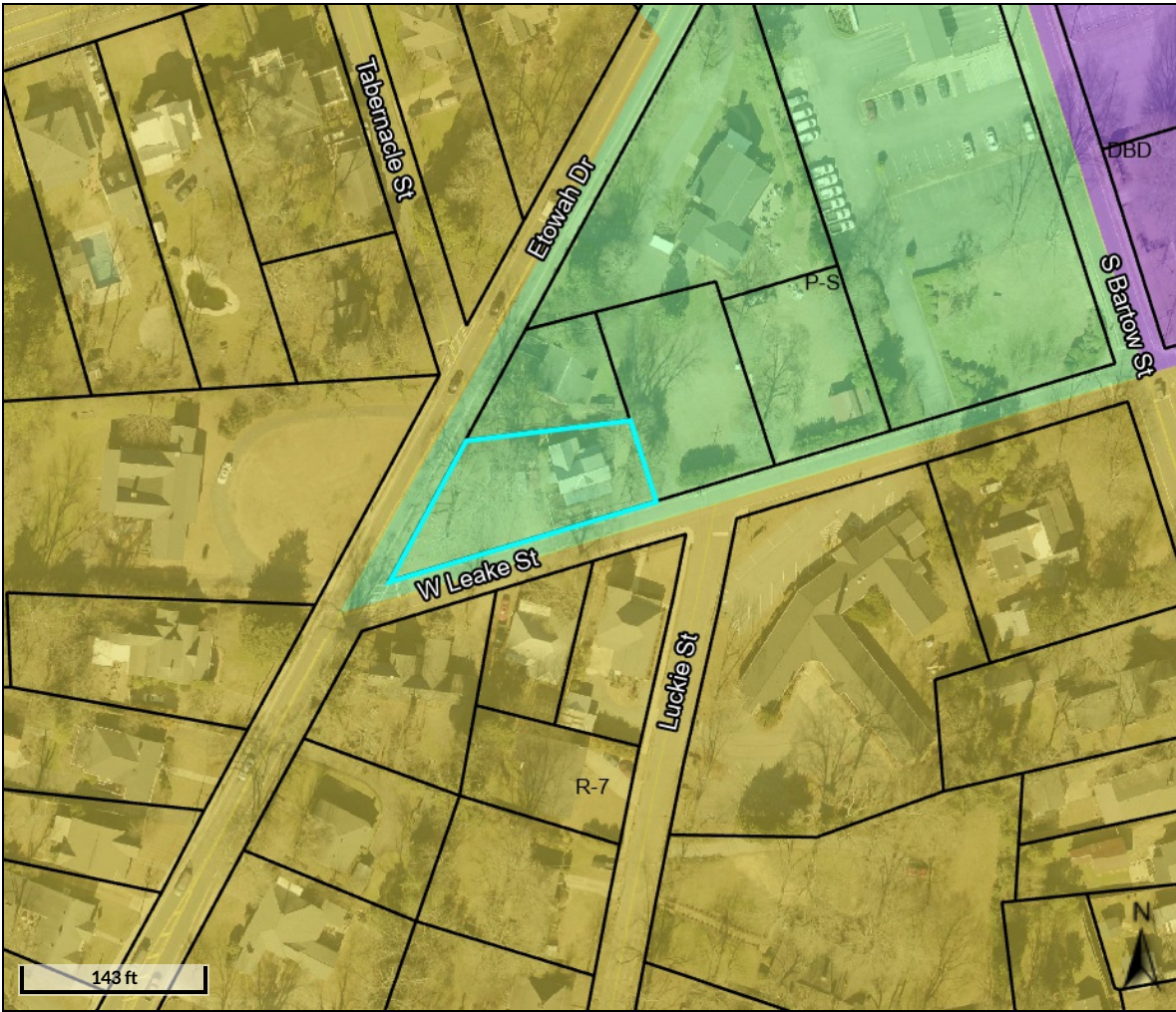
Legend

-  Parcels
-  Roads

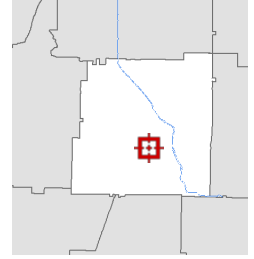
Parcel ID	C002-0003-005	Alternate ID	32109	Owner Address	GARLAND RONALD B
Sec/Twp/Rng	n/a	Class	Residential		QUICK KATHERINE MICHELLE
Property Address	215 LEAKE ST	Acreage	0.33		215 LEAKE ST
					CARTERSVILLE, GA 30120
District	Cartersville				
Brief Tax Description	LL483 LD4				
	<i>(Note: Not to be used on legal documents)</i>				

Date created: 4/3/2023
 Last Data Uploaded: 3/31/2023 10:25:55 PM

Developed by 



Overview



Legend

- Parcels
- Roads
- Cartersville Zoning**
- AG
- DBD
- G-C
- G-C*
- H-I
- H-I*
- L-I
- L-I*
- M-U
- M-U*
- MF-14
- MF-14*
- MN
- O-C
- O-C*
- P-D
- P-D*
- P-I
- P-S
- P-S*
- R-10
- R-10*
- R-15
- R-15*
- R-20
- R-20*
- R-7
- R-7*
- R-D
- RA-12
- RA-12*
- RSL

Parcel ID C002-0003-005
Sec/Twp/Rng n/a

Alternate ID 32109
Class Residential

Owner Address GARLAND RONALD B
 QUICK KATHERINE MICHELLE

Property Address 215 LEAKE ST

Acreage 0.33

215 LEAKE ST
CARTERSVILLE, GA 30120

District Cartersville

Brief Tax Description LL483 LD4

(Note: Not to be used on legal documents)

Date created: 4/3/2023

Last Data Uploaded: 3/31/2023 10:25:55 PM

Developed by  Schneider
GEOSPATIAL

City of Cartersville
Application for Variance
Board of Zoning Appeals

Hearing Date: 4-13-2023 5:30pm

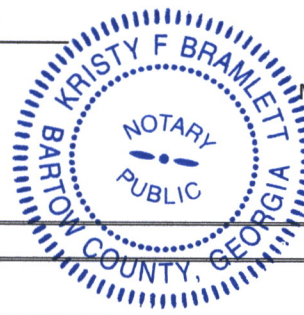
Application Number: V23-05

Date Received: 1-31-2023

Applicant <u>Katherine Quick</u> <small>(printed name)</small>		Office Phone <u>N/A</u>	
Address <u>215 Leake Street</u>		Mobile/ Other Phone <u>770.608.0943</u>	
City <u>Cartersville</u>	State <u>GA</u>	Zip <u>30120</u>	Email <u>Katiequick2011@gmail.com</u>
Representative's printed name (if other than applicant)		Phone (Rep)	
Representative Signature		Email (Rep)	
<u>Kristy F. Bramlett</u> Notary Public		<u>Katherine Michelle Quick</u> Applicant Signature	
Signed, sealed and delivered in presence of:		My commission expires: <u>02/01/2026</u>	



* Titleholder <u>Katherine Quick</u> <small>(titleholder's printed name)</small>		Phone <u>770-608-0943</u>	
Address <u>215 Leake Street, Cartersville, GA 30120</u>		Email <u>katiequick2011@gmail.com</u>	
Signature <u>Katherine Michelle Quick</u>			
Signed, sealed, delivered in presence of:		My commission expires: <u>02/01/2026</u>	



Present Zoning District <u>R3 / P-S</u>	Parcel ID No. <u>C002-0003-005</u>		
Acreage <u>.33</u>	Land Lot(s) <u>483</u>	District(s) <u>04</u>	Section(s)
Location of Property: <u>215 Leake Street, Cartersville, GA 30120</u> <small>(street address, nearest intersections, etc.)</small>			
Zoning Section(s) for which a variance is being requested: <u>Article IV, General Provisions, Section 4.9 - Accessory Uses, Buildings, or Structures, Sec 9.1.3.(c) - request for encroachment into side yard setback.</u>			
Summary Description of Variance Request: <u>to add an accessory structure to the front yard of a double frontage lot to allow accessory structure to be less than the required 10' from rear property line</u>			
(Additional detail can be provided on Justification Letter)			

*** Attach additional notarized signatures as needed on separate application pages.**

NOTICE OF PUBLIC HEARING

The City of Cartersville Board of Zoning Appeals will hold a public meeting on _____ at 4:30 p.m. in the City Hall Council Chambers, 3rd Floor, City Hall at 10 North Public Square, Cartersville, Georgia, 30120.

The Board of Zoning Appeals will review an application by Katherine Quick (name of applicant) of 215 Leake Street (applicant address) for property located at 215 Leake Street in Land Lot(s) 483 of the 04 District, _____ Section, in the R3 zoning district. Property contains approximately .33 acres.

Applicant requests a variance to Add an accessory structure to the front yard of a double frontage lot, request for encroachment into side yard set back.

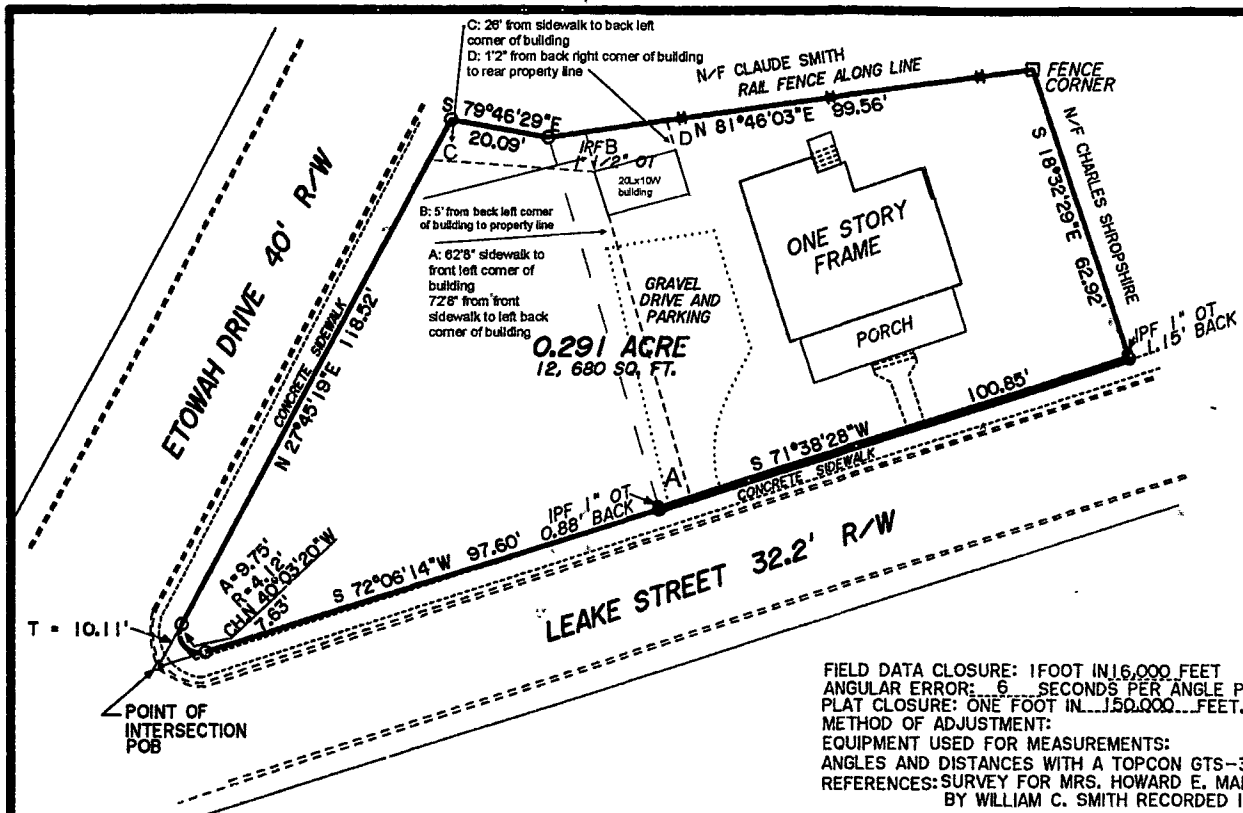
Please contact the City of Cartersville Planning & Development Department at City Hall, 2nd Floor, 10 North Public Square, Cartersville, Georgia 30120 or (770) 387-5600 to receive information on the filing.

If you have interest in the proposed variance as stated above, you are encouraged to attend the meeting as stated herein.

CITY OF CARTERSVILLE

Case # _____





GEORGIA, BARTOW COUNTY
 CLERK'S OFFICE SUPERIOR COURT
 Filed for record this 11 day of
 Sept 2002 at 9:25 o'clock A.M.
 Recorded in Plat record No. 55
 Page 58 this 12 day of
 Sept 2002
 GARY BELL, Clerk



BEARINGS ORIENTED TO SMITH PLAT (P.B. 53, PG. 89)

FIELD DATA CLOSURE: 1 FOOT IN 16,000 FEET
 ANGULAR ERROR: 5 SECONDS PER ANGLE POINT
 PLAT CLOSURE: ONE FOOT IN 150,000 FEET.
 METHOD OF ADJUSTMENT:
 EQUIPMENT USED FOR MEASUREMENTS:
 ANGLES AND DISTANCES WITH A TOPCON GTS-303
 REFERENCES: SURVEY FOR MRS. HOWARD E. MARLER
 BY WILLIAM C. SMITH RECORDED IN P.B. 53, PG. 89
 DEED IN D.B. 1347, PG. 802
 DEED IN D.B. 1459, PG. 802

*****LEGEND*****
 IPF ...IRON PIN FOUND
 IPF A... 1/2" REBAR FOUND
 IPS ...IRON PIN SET
 CP ...CALCULATED POINT
 POB ...POINT OF BEGINNING
 X ...FENCE
 N/F ...NOW OR FORMERLY
 R/W ...RIGHT OF WAY
 JB ...JUNCTION BOX
 OHUL ...OVERHEAD UTILITY LINE
 L.L...LAND LOT
 PP ...POWER POLE
 DB ...DEED BOOK
 PB ...PLAT BOOK
 Pg ...PAGE
 CT ...CRIMP TOP PIPE
 OT ...OPEN TOP PIPE
 CL ...CENTER LINE
 LLL...LAND LOT LINE
 MH....MANHOLE

DATE OF FIELDWORK: AUGUST 15, 2002
 DATE OF PLAT: AUGUST 19, 2002

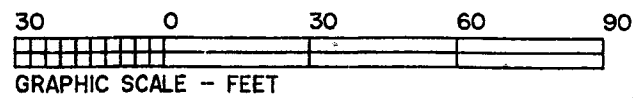
JOB NO. 02213

THIS PLAT CORRECTLY REPRESENTS FIELD CONDITIONS AS
 THEY EXISTED ON THE DATE OF FIELDWORK.
 ALL MATTERS OF TITLE ARE EXCLUDED FROM THIS SURVEY.

SURVEY FOR
JAYCE B. STEPP

RHODES ENGINEERING SERVICES
 645 HENDERSON DRIVE
 CARTERSVILLE, GA. 30120
 PH. (770) 386-7616 FAX (770) 386-7617

IN THE CITY OF CARTERSVILLE
 LOCATED IN LAND LOT 483
 4th DISTRICT, 3rd SECTION
 BARTOW COUNTY, GEORGIA



January 31, 2023
Katherine Quick
215 Leake Street
Cartersville, GA 30120

A -Zoning Variance Application Documentation:

Existing Condition:

2006 18Lx10W white storage shed with shingle roofing to the left of home at the back end of the driveway on the sights of Etowah Drive & Leake Street.

Proposed Condition or project:

2019 20Lx10W wooden (to be painted white in the spring) storage shed with metal roof matching the current metal roof on the main home. Will be located in the same location as previous shed - to the left of home at the back end of the driveway on the sights of Etowah Drive & Leake Street.

Boundary Survey/Plat:

see markup of plat attached

Justification Letter:

City of Cartersville Planning & Development,

This variance request application is to replace an existing 18Lx10W white storage building that was located on the property when I purchased the home. I have since sold that building. The original building was a 2006 and had multiple areas of wood rot and the condition over time had just gotten worse. I have since purchased a 2019 20Lx10W storage building to replace it. In the spring, I plan on painting it white to match the house and to add a matching lattice around the base of the exterior. The location of the storage building will be at the rear of the driveway. In the same location as the previous building. After measuring the location of the building versus the plat, I realized the operator who delivered the building dropped it too close to the back property line. I would like to request to be able to leave the building in its current location despite the length to the property line being less than the required 10'. It allows me to have more length and use for my driveway and the water runoff will be less damaging to the building on the higher elevation at the rear.

Thank you for your time,

Katherine Quick

LIST OF ADJACENT PROPERTY OWNERS
(Not required if City mails public notices)

The following are all of the individuals, firms, or corporations owning property on the sides, rear, and in front of (across street from) the subject property:

	<u>NAME</u>	<u>ADDRESS</u>
1.	Connie Beanland	222 Leake Street
2.	Ryan Droese	218 Leake Street
3.	Darvey Gore	216 Leake Street
4.	Ivan & Leah Phillips	23 Etowah Drive
5.	George Shropshire	20 Etowah Drive
6.		
7.		
8.		
9.		
10.		
11.		
12.		
13.		
14.		
15.		

Attach additional names if necessary.

(Indicate property owned by the above persons on plat accompanying this application.)

CONDITIONS VERIFICATION

List the Article(s), Section(s) and Subsection(s) of the Zoning Ordinance for which a variance is requested.

Article <u>IV</u>	Section <u>4.9:</u>	Subsection <u>Accessory uses, buildings, or structures</u>
Article <u>IV</u>	Section <u>9.1.3. (C)</u>	Subsection <u>Request for encroachment into the side yard setback</u>
Article _____	Section _____	Subsection _____

The Board of Zoning Appeals was established to hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by the zoning administrator in the enforcement of the zoning ordinance. The Board has the power to hear requests for variances from the provisions of the zoning ordinance, Article XXI APPEALS. See Section 21.3 for additional information pertaining to conditions.

To assist staff and the Board of Zoning Appeals in the analysis of the variance application, please check all of the following conditions that apply to your variance request:

1. _____ The property is exceptionally narrow, shallow or unusually shaped,
2. _____ The property contains exceptional topographic conditions,
3. _____ The property contains other extraordinary or exceptional conditions; and
4. _____ There are other existing extraordinary or exceptional circumstances; and
5. _____ The strict application of the requirements of this ordinance would result in practical difficulties to, or undue hardship upon, the owner of this property;
6. _____ The requested variance relief may be granted without substantially impairing the intent and purpose of this ordinance

Additional Comments by Applicant: There is no change in location of the storage building, only the storage building itself.

Previously, there was a white 2006 storage unit that was positioned on the property already when I purchased the home in 2017. I have only replaced that storage building with a 2019 storage building that is in much better condition.

I have provided photos of the previous building and the new building within this application.

Adding an accessory structure to the front yard of a lot with double road frontages and also applying for a variance due to the back side of the building not being the minimum of 10' off of the property line.

Existing Building



Proposed Building





30 Etowah Dr
215 Leake St. Accessory Structure.

View of existing shed from Etowah Drive.



Image capture: Jun 2022 © 2023 Google



215 Leake St

All

Street View & 360°



Cartersville, Georgia
Google Street View
Jun 2022 See more dates

Image capture: Jun 2022 © 2023 Google



215 Leake St

All

Street View & 360°

Image Taken 3-23-23

